

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDRO CASTILLO,

Plaintiff,

-against-

C.O. R.C. SNEDEKER, et al.,

Defendants.

VALENTIN ORDER

21-CV-11109 (PMH)

PHILIP M. HALPERN, United States District Judge:

By Order dated January 12 2022, the Court directed service on Defendants C.O. R.C. Snedeker, SHU Director Venetozzi, and C.H.O. Henley and applied Local Civil Rule 33.2 to this action. On September 1, 2022, the United States Marshal returned unexecuted Process Receipt and Return forms, indicating with respect to each Defendant that they were “not located at [the] Facility.” (Docs. 9-11).

DISCUSSION

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the Complaint, Plaintiff supplies sufficient information to permit the New York State Department of Corrections and Community Supervision (DOCCS) to identify Defendants Snedeker, Venetozzi, and Henley, who Plaintiff alleges, through actions taken between February 17, 2015 and February 27, 2019, caused him to be wrongfully confined in a Special Housing Unit. (Doc. 2). It is therefore ordered that the New York State Attorney General, who is the attorney for and agent of DOCCS, must ascertain the badge numbers of Defendants Snedeker, Venetozzi, and Henley and the addresses where they may

be served.¹ The New York State Attorney General must provide this information to Plaintiff and the Court within sixty (60) days of the date of this order.

Upon receipt of this information, the Court will issue an order directing the Clerk of Court to complete the USM-285 form with the addresses for Defendants Snedeker, Venetozzi, and Henley and deliver all documents necessary to effect service to the U.S. Marshals Service.

CONCLUSION

The Clerk of Court is directed to mail a copy of this Order and the Complaint to the New York State Attorney General at: 28 Liberty Street, New York, New York 10005.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: White Plains, New York
November 1, 2022



PHILIP M. HALPERN
United States District Judge

¹ If any of Defendants Snedeker, Venetozzi, or Henley are former employees or officials DOCCS, the New York State Attorney General must provide residential address(es) where the individual(s) may be served.